

Senate Engrossed

State of Arizona
Senate
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 118

SENATE BILL 1219

AN ACT

AMENDING SECTION 5-110, ARIZONA REVISED STATUTES; RELATING TO HORSE AND DOG RACING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 5-110, Arizona Revised Statutes, is amended to
3 read:

4 5-110. Racing days, times and allocations; emergency transfer;
5 county fairs; charity days

6 A. Permits for horse, harness or dog racing meetings shall be approved
7 and issued for substantially the same dates allotted to permittees for the
8 same type of racing during the preceding year or for other dates that
9 permittees request, provided that, in the event there is a conflict in dates
10 requested between two or more permittees in the same county for the same kind
11 of racing, the permittee whose application is for substantially the same
12 dates as were allotted to the permittee in the preceding year shall be
13 entitled to have preference over other permittees. In the event two or more
14 permittees have agreed that the dates to be allotted to each of them each
15 year shall be alternated from one year to the next, the commission shall
16 recognize their agreement and such permittees may be accorded preference over
17 any other permittee as to those dates to be allotted to such permittees on
18 an alternating basis. Except as otherwise provided, the commission shall
19 allot dates to the respective permittees after giving due consideration to
20 all of the factors involved and the interests of permittees, the public and
21 this state.

22 B. The commission may require by the terms of any permit that the
23 permittee offer such number of races during any racing meeting as the
24 commission shall determine, provided that the permittee shall be permitted
25 to offer not less than the same number of races each day as offered in the
26 prior year. The commission shall require each horse racing permittee to
27 conduct for a period of thirty days a number of races equal to an average of
28 not less than two races for each day of racing exclusively for quarter
29 horses. If, in the opinion of the commission, the permittee is offering
30 acceptable quarter horse races but an honest effort is not being put forth
31 to fill these races by the horsemen, the commission may rescind the two race
32 per day quarter horse requirement.

33 C. Live racing and wagering on simulcast races shall be permissible
34 in either daytime or nighttime, but there shall be no live daytime dog racing
35 on the same day that there is live daytime horse or harness racing in any
36 county in which commercial horse or harness racing has been conducted prior
37 to February 1, 1971, and no live nighttime horse or harness racing on the
38 same day that there is live nighttime dog racing in the same county. There
39 shall be no wagering on simulcast dog races before 4:30 4:15 p.m., mountain
40 standard time, on the same day that there is live daytime horse or harness
41 racing in any county in which commercial horse or harness racing has been
42 conducted before February 1, 1971, and no wagering on simulcast horse or
43 harness racing after 7:30 p.m., mountain standard time, on the same day that
44 there is live nighttime dog racing in the same county. The hours during
45 which any other dog, harness or horse racing is to be conducted shall be

1 determined by the commission. The application for a permit shall state the
2 exact days on which racing will be held and the time of day during which
3 racing will be conducted.

4 D. If the commission determines that an emergency has obligated or may
5 obligate a permittee to discontinue racing at a location, the commission may
6 authorize the permittee to transfer racing for the number of days lost to any
7 other location.

8 E. A racing meeting, when operated by a county fair racing association
9 or under lease during the county fair to any individual, corporation or
10 association, shall not come under the limitation placed on days of racing in
11 this section.

12 F. The department shall be the judge of whether a county fair racing
13 meeting is being operated in accordance with the provisions of this
14 section. A county fair racing meeting conducted by an individual,
15 corporation or association, other than the properly authorized county fair
16 racing association, shall come under the general provisions of this article
17 the same as a commercial meeting. Notwithstanding this subsection, a county
18 fair racing meeting, whether conducted by a county fair racing association
19 or by an individual, corporation or association other than a county fair
20 racing association, is exempt from the requirement prescribed in section
21 5-111 to pay to the state a percentage of the pari-mutuel pool collected at
22 the meeting.

23 G. The commission may allow a permittee, in addition to the days
24 specified in this permit, to operate up to three racing days during any one
25 meeting as charity days. From the amount deducted from the total handled in
26 the pari-mutuel pool on charity days, the permittee shall deduct an amount
27 equal to the purses and the cost of conducting racing on these days, and
28 shall donate the balance to nonprofit organizations and corporations which
29 benefit the general public, which are engaged in charitable, benevolent and
30 other like work and which are selected by the permittee and approved by the
31 department. In no event shall the amount given to charity from charity
32 racing days be less than the amount which otherwise would have gone to this
33 state as the state's share on a noncharity racing day.

34 H. Notwithstanding any other provision of this chapter, any dog racing
35 permittee to which a permit to conduct dog racing in this state has been
36 issued may in any racing year modify the racing date allocations made to the
37 permittee for conducting dog racing at a track by reallocating up to
38 two-thirds of the racing dates allocated to that permittee for dog racing at
39 a track to another track in this state at which the permittee or a
40 corporation of common ownership to the permittee conducts dog racing. For
41 the purpose of this section a corporation of common ownership to the
42 permittee is a corporation which is owned or controlled, directly or
43 indirectly, by the same corporation that owns or controls the permittee and
44 which holds a permit to conduct dog racing in this state.

1 I. Notwithstanding any other provision of this article, any dog racing
2 permittee that has offered live dog racing in eight out of ten calendar years
3 from 1980 to 1990 in counties that have a population of less than five
4 hundred thousand persons according to the most recent United States decennial
5 census shall be considered as operating a racetrack enclosure for all
6 purposes under this article and shall not be required to conduct live racing
7 as a condition of that permittee's racing permit. Any permittee qualified
8 under this subsection may conduct wagering on telecasts of races conducted
9 at racetrack enclosures within this state or at racetrack enclosures outside
10 this state without offering live racing at that permittee's racetrack
11 enclosure.

APPROVED BY THE GOVERNOR APRIL 16, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2001.

Passed the House April 10, 20 01,

by the following vote: 46 Ayes,

11 Nays, 3 Not Voting



Speaker of the House

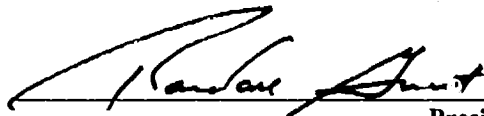


Chief Clerk of the House

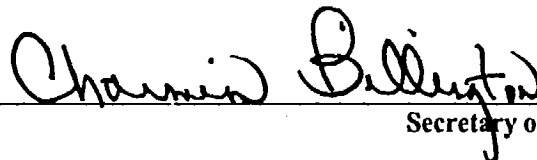
Passed the Senate February 19, 20 01,

by the following vote: 24 Ayes,

4 Nays, 2 Not Voting



President of the Senate



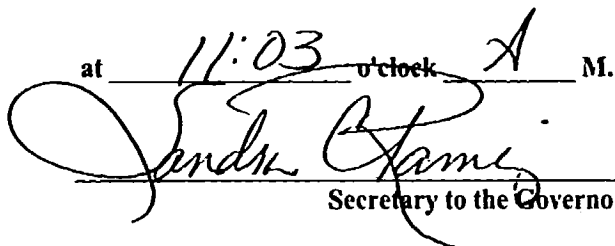
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

11 day of April, 20 01,

at 11:03 o'clock A M.

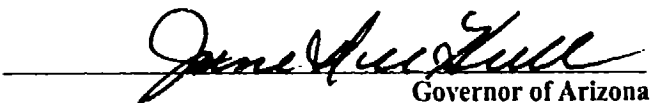


Secretary to the Governor

Approved this 16 day of

April, 20 01,

at 3:06 o'clock P M.



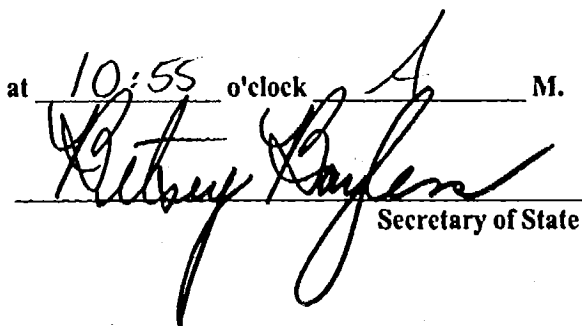
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 17 day of April, 20 01,

at 10:55 o'clock A M.



Secretary of State

S.B. 1219